

REMARKS

This paper is filed in response to the Office Action dated March 23, 2005. Claims 1-32 are pending. The Office Action rejects claim 26 under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 5,477,851 to Callaghan et al. (Callaghan), and rejects claim 27 under 35 U.S.C. 103(a) as being unpatentable over Callaghan. The Office Action also indicates that claims 1-25 are allowed, and that claims 28-32 would be allowable if rewritten in independent form including all limitations of the base and intervening claims.

Applicants amend claim 26 to recite a lens connected to the distal end of the fibers, "...the lens being affixed to the mask portion." Support for the amendment may be found in the specification at least at page 8 lines 3-5, and Figures 2B and 2D, label reference number 314. No new matter has been added.

In contrast to claim 26, as amended, Callaghan teaches a fiber with a distal end that is not affixed to the mask, as shown in Callaghan's Fig. 6 (label reference number 22) and stated in the specification:

"... a fiber optic scope which extends along the length of
the flexible airway ... and out the patient insertion end ... and
enter[s] the trachea." (Col. 2, ll.28-31)

Since Callaghan does not teach or suggest a lens affixed to the mask portion, amended claim 26 is not anticipated by Callaghan. Therefore Applicant submits that claim 26 and its dependents, claims 27-32 are patentable over the art of record.

Applicant requests that the rejections of claim 26 under 35 U.S.C. §102(b) and of its dependent, claim 27, under 35 U.S.C. 103(a) be withdrawn. Applicant further requests that the objection to claims 28-32 be withdrawn, and that claims 26-32, in addition to already allowed claims 1-25, be allowed expeditiously. If there are any remaining issues, the Examiner is urged to contact the undersigned at the telephone number listed below.

Appl. No. 10/659455
Amdt. dated June 23, 2005

Date: June 23, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard A. Goldenberg', written over a horizontal line.

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